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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Randolph Howes

Application No.: 10/050,121

Filed: January 18, 2002

For: Compositions, Methods, Apparatuses and  
Systems for Singlet Oxygen Delivery

)  
)  
) Group Art Unit: 1616  
)  
) Examiner: Frank I. Choi  
)  
) Attorney Docket No.: 29794/04001  
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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Further to the Notice of Appeal filed February 21, 2005, this Appeal Brief is responsive to the non-final Office Action mailed December 30, 2004. This Appeal Brief is also responsive to the Notice of Non-Compliant Appeal Brief, mailed May 13, 2005.

**I. Real Party In Interest**

The inventor, Randolph M. Howes, is the real party in interest.

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Application No. 10/051,121  
Attorney Docket No. 29794/04001  
Amendment Under 37 C.F.R. § 41.33(b)

Remarks

Claim 10 has been rewritten in independent form to incorporate the limitations of claim 1; claim 16 has been rewritten in independent form to incorporate the limitations of claim 14. Other dependent claims are canceled, leaving claims 10, 16, and 29 pending.

The amendments have been made solely to reduce issues for appeal. Applicant respectfully submits that these amendments comply with 37 C.F.R. § 41.33(b) and (c).

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 03-0172.

Respectfully submitted,

Date: June 10, 2005



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